

TIMKEN

William A. Fladung
Director - Environmental, Health & Safety

WORLDWIDE LEADER IN BEARINGS AND STEEL

January 8, 2003

Rebecca Kane
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance, Mail Code 2222A
1200 Pennsylvania Avenue NW
Washington, DC, 20460.

Re: Comments on U.S. EPA "ECHO" Webpage

Dear Ms. Kane:

The Timken Company ("Timken") wishes to thank U.S. EPA for the opportunity to submit comments regarding the new "ECHO" webpage that was added to U.S. EPA's website on November 20, 2002.

Although Timken appreciates U.S. EPA's efforts to provide regulated entities and the public with information regarding environmental compliance, the ECHO webpage at present has significant problems with the accuracy of the data presented thereon that make it more burdensome than helpful, both for the public and for regulated entities. For example, the present ECHO data for the two Timken facilities in Canton, Ohio both contain significant errors. For example, the listing for the Gambrinus Steel plant indicates eight quarters of noncompliance under the Clean Air Act for a permit number that does not exist at this facility. Furthermore, there were no violations at this plant. As another example, the listing for the Canton Bearing plant indicates eight quarters of noncompliance with hazardous waste generator requirements, based on an Ohio EPA inspection in 2000. All issues raised as a result of that inspection were quickly addressed to Ohio EPA's satisfaction as shown by a "return to compliance" letter from Ohio EPA, but this information does not appear on ECHO.

The disclaimer presented on the "Use of Data in ECHO" screen says essentially that U.S. EPA takes no responsibility for the accuracy of the data contained in ECHO. A webpage containing data for which U.S. EPA is unwilling to take responsibility can hardly be considered to provide meaningful and useful information concerning the true compliance status of the facilities listed on it.

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An additional problem is the present ECHO mechanism to address data inaccuracies that places the onus on the regulated facility to review and correct any erroneous entries. This mechanism places a significant burden on companies like Timken that operate multiple or large facilities – essentially requiring the companies to conduct periodic review and quality control of data over which the companies have no control -- to correct problems created by a lack of effective quality control within the local, state and/or federal regulatory agency databases used as sources for the ECHO data. For U.S. EPA to provide meaningful and useful information, the quality control problems within the regulatory agency databases need to be addressed before the data is made public.

In addition to the “review and correct” burden discussed above, ECHO also places burden on regulated entities to respond to public questions, pressure, and potentially citizens’ suits resulting from mistaken conclusions based on inaccurate information contained on the ECHO webpage. Although ECHO contains a page detailing “data problems” with the information presented, this page is buried, and may only be accessed through an out-of-the-way link on the introductory screen. All known “data problems” should appear on each facility return page, or at the very least should be accessible from that page through a prominently-displayed link.

Timken’s review of the data returned for its Canton, Ohio facilities indicates that at least some of the information presented on the “data problems” page is misleading or incorrect. The paragraph describing “Violations not logged out of RCRAInfo” does not include the evident fact that Ohio appears to be (at least) very slow in noting return to compliance from any “violations” identified in hazardous waste inspections. The limitation to specified states in the descriptions of data problems is misleading because it implies that states not specified do not have these problems. An additional sentence stating that similar problems may exist in other states as well should be added to this page.

The presentation of the data within the facility returns also leads to potential confusion on the part of the public. For example, the data is presented in terms of calendar quarters of “noncompliance.” In actual fact, the facility may have been out of compliance for only one or two days during the quarter, but the implication is that the noncompliance continued for the entire quarter. There is also no delineation of the type of the violation, leaving the public to assume the worst when only a minor paperwork error may have occurred. Such blurring of the type and extent of noncompliance at a facility severely limits the meaningfulness and usefulness of the data.

Finally, Timken notes that several commentators requested that ECHO be expanded to include data from ten years in the past, rather than two years. Timken strongly urges U.S. EPA to resist any expansion beyond the present two years. Regulatory document retention requirements for environmental documents are generally much shorter than ten years. This means that the regulated community is not likely to be able to correct erroneous data for much further back than two years. As it is clear that there are at present massive amounts of erroneous data contained in the databanks used to create ECHO, expansion of ECHO beyond two years of data will simply display data that is quite likely

inaccurate and misleading, and the regulated community will be unable to defend itself against misunderstandings on the part of the public that result from this erroneous data.

Timken appreciates the opportunity to comment on the ECHO webpage. Although the concept is worthy, the execution is significantly flawed, and at present ECHO's value is outweighed by its problems. As a matter of basic fairness, U.S. EPA should not be publishing data that suffers from such significant quality problems and forcing the regulated community to chase down and correct errors after the fact (and to deal with mistaken public reaction to the inaccurate data). Rather than creating intricate webpages, U.S. EPA should be utilizing its limited resources to improve the quality of its data so that enforcement and regulatory efforts can be directed toward real, rather than mistaken, problems.

If you have any questions regarding these comments, please call me at (330)

Very truly yours,

A handwritten signature in black ink, appearing to read "William H. Hodges". The signature is fluid and cursive, with a long horizontal stroke at the end.